

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	86054231
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 116
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (041)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (042)(current)</b>	
<b>INTERNATIONAL CLASS</b>	042
<b>DESCRIPTION</b>	
Computer services, namely, hosting and maintaining an on-line web site for others in the field of computer technology, cloud-computing, and software and hardware innovation; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking services in the fields of computer technology, cloud-computing, and software and hardware innovation; computer services, namely, providing audio-visual, interactive, cloud-based online services in the nature of providing a searchable database of buyers and sellers of audio-visual and text based online services for use in various industries; computer services, namely, providing virtual computer systems and virtual computer environments through cloud computing; computer services, namely, platform as a service (PAAS) featuring providing a cloud-based computer software platform for allowing users to perform commercial transactions; computer services, namely, software as a service (SAAS) services, namely, hosting, managing, developing, and maintaining applications and software for enabling cloud-based cross-platform communication, data management, and data access and display for use by others; providing cloud- innovation consulting services, namely, advising others in the areas of product development; consulting in the field of engineering; consulting services in the field of design and development of engineering processes; computer services, namely, computer programming services; computer software design, development, and implementation; computer software consulting; technological planning and consulting services in the field of computer software and information technology; consulting services in the field of computer software and information technology; providing planning and engineering services in the field of computer software, operating systems, and information technology; product research and development; cloud-based services to facilitate data transfer between computer hardware and peripherals, computer software, and mobile devices; computer services, namely, cloud hosting provider services; cloud computing featuring software for use in connection with computer peripherals for mobile devices for displaying audio and video data related to health and fitness namely, for use in connection with computer peripherals worn on the body for displaying data and audio and video; providing temporary use of online non-downloadable software for setting up, configuring, and controlling wearable computer hardware, wearable computer peripherals, and wearable visual capture devices; providing temporary use of online non-downloadable software for computer peripherals for	

mobile devices for remotely accessing and transmitting data, audio and video, namely, for use with computer peripherals in the nature of mobile devices worn on the body for remotely accessing, transmitting, and displaying data and audio and video; providing temporary use of non-downloadable software for wearable mobile devices for wirelessly transmitting commands to mobile phones and accessing information from the cloud for use with wearable mobile devices

**FILING BASIS**

Section 1(b)

**GOODS AND/OR SERVICES SECTION (042)(proposed)**

**INTERNATIONAL CLASS**

042

**TRACKED TEXT DESCRIPTION**

Computer services, namely, hosting and maintaining an on-line web site for others in the field of computer technology, cloud-computing, and software and hardware innovation; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking services in the fields of computer technology, cloud-computing, and software and hardware innovation; ~~computer services, namely, providing audio-visual, interactive, cloud-based online services in the nature of providing a searchable database of buyers and sellers of audio-visual and text based online services for use in various industries~~; computer services, namely, providing virtual computer systems and virtual computer environments through cloud computing; computer services, namely, platform as a service (PAAS) featuring providing a cloud-based computer software platform for allowing users to perform commercial transactions; computer services, namely, software as a service (SAAS) services, namely hosting, managing, developing, maintaining, and enabling applications and software for cloud-based cross-platform communication, data management, and data access and display for use by others; ~~computer services, namely, software as a service (SAAS) services, namely, hosting, managing, developing, and maintaining applications and software for enabling cloud-based cross-platform communication, data management, and data access and display for use by others~~; consulting services in the field of design and development of engineering processes; ~~providing cloud-innovation consulting services, namely, advising others in the areas of product development~~; computer services, namely, computer programming services; ~~consulting in the field of engineering~~; computer software design, development, and implementation; computer software consulting; technological planning and consulting services in the field of computer software and information technology; consulting services in the field of computer software and information technology; providing planning and engineering services in the field of computer software, operating systems, and information technology; cloud-based services featuring software used to facilitate data transfer between computer hardware and peripherals, computer software, and mobile devices; computer services, namely, cloud hosting provider services; cloud computing featuring software for mobile devices for displaying audio and video data related to health and fitness for use in connection with computer peripherals worn on the body for displaying data and audio and video; ~~product research and development~~; providing temporary use of online non-downloadable software for setting up, configuring, and controlling wearable computer hardware, wearable computer peripherals, and wearable visual capture devices; ~~cloud-based services to facilitate data transfer between computer hardware and peripherals, computer software, and mobile devices~~; providing temporary use of online non-downloadable software for mobile devices for remotely accessing and transmitting data, audio and video for use with computer peripherals in the nature of mobile devices worn on the body for remotely accessing, transmitting, and displaying data and audio and video; providing temporary use of non-downloadable software for wirelessly transmitting commands to mobile phones and accessing information from the cloud for use with wearable mobile devices; ~~cloud-computing featuring software for use in connection with computer peripherals for mobile devices for displaying audio and video data~~

~~related to health and fitness namely, for use in connection with computer peripherals worn on the body for displaying data and audio and video; providing temporary use of online non-downloadable software for computer peripherals for mobile devices for remotely accessing and transmitting data, audio and video, namely, for use with computer peripherals in the nature of mobile devices worn on the body for remotely accessing, transmitting, and displaying data and audio and video; providing temporary use of non-downloadable software for wearable mobile devices for wirelessly transmitting commands to mobile phones and accessing information from the cloud for use with wearable mobile devices~~

#### **FINAL DESCRIPTION**

Computer services, namely, hosting and maintaining an on-line web site for others in the field of computer technology, cloud-computing, and software and hardware innovation; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking services in the fields of computer technology, cloud-computing, and software and hardware innovation; computer services, namely, providing virtual computer systems and virtual computer environments through cloud computing; computer services, namely, platform as a service (PAAS) featuring providing a cloud-based computer software platform for allowing users to perform commercial transactions; computer services, namely, software as a service (SAAS) services, namely hosting, managing, developing, maintaining, and enabling applications and software for cloud-based cross-platform communication, data management, and data access and display for use by others; consulting services in the field of design and development of engineering processes; computer services, namely, computer programming services; computer software design, development, and implementation; computer software consulting; technological planning and consulting services in the field of computer software and information technology; consulting services in the field of computer software and information technology; providing planning and engineering services in the field of computer software, operating systems, and information technology; cloud-based services featuring software used to facilitate data transfer between computer hardware and peripherals, computer software, and mobile devices; computer services, namely, cloud hosting provider services; cloud computing featuring software for mobile devices for displaying audio and video data related to health and fitness for use in connection with computer peripherals worn on the body for displaying data and audio and video; providing temporary use of online non-downloadable software for setting up, configuring, and controlling wearable computer hardware, wearable computer peripherals, and wearable visual capture devices; providing temporary use of online non-downloadable software for mobile devices for remotely accessing and transmitting data, audio and video for use with computer peripherals in the nature of mobile devices worn on the body for remotely accessing, transmitting, and displaying data and audio and video; providing temporary use of non-downloadable software for wirelessly transmitting commands to mobile phones and accessing information from the cloud for use with wearable mobile devices

#### **FILING BASIS**

Section 1(b)

#### **SIGNATURE SECTION**

##### **RESPONSE SIGNATURE**

/sm mulholland/

##### **SIGNATORY'S NAME**

Susan M. Mulholland

##### **SIGNATORY'S POSITION**

Attorney for Applicant/MA bar member

##### **SIGNATORY'S PHONE NUMBER**

617.350.6800

##### **DATE SIGNED**

06/17/2015

<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	NO
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Wed Jun 17 14:05:57 EDT 2015
<b>TEAS STAMP</b>	USPTO/RFR-38.113.7.195-20 150617140557107449-860542 31-530293e60945ab61a51dff e1af39e915ea1377c472ee313 63bb2878d24826380-N/A-N/A -20150617140316125335

## Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **86054231** has been amended as follows:

### CLASSIFICATION AND LISTING OF GOODS/SERVICES

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 042 for Computer services, namely, hosting and maintaining an on-line web site for others in the field of computer technology, cloud-computing, and software and hardware innovation; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking services in the fields of computer technology, cloud-computing, and software and hardware innovation; computer services, namely, providing audio-visual, interactive, cloud-based online services in the nature of providing a searchable database of buyers and sellers of audio-visual and text based online services for use in various industries; computer services, namely, providing virtual computer systems and virtual computer environments through cloud computing; computer services, namely, platform as a service (PAAS) featuring providing a cloud-based computer software platform for allowing users to perform commercial transactions; computer services, namely, software as a service (SAAS) services, namely, hosting, managing, developing, and maintaining applications and software for enabling cloud-based cross-platform communication, data management, and data access and display for use by others; providing cloud-innovation consulting services, namely, advising others in the areas of product development; consulting in the field of engineering; consulting services in the field of design and development of engineering processes; computer services, namely, computer programming services; computer software design, development, and implementation; computer software consulting; technological planning and consulting services in the field of computer software and information technology; consulting services in the field of computer software and information technology; providing planning and engineering services in the field of computer software, operating systems, and information technology; product research and development; cloud-based services to facilitate data transfer between computer hardware and peripherals, computer software, and mobile devices; computer services, namely, cloud hosting provider services; cloud

computing featuring software for use in connection with computer peripherals for mobile devices for displaying audio and video data related to health and fitness namely, for use in connection with computer peripherals worn on the body for displaying data and audio and video; providing temporary use of online non-downloadable software for setting up, configuring, and controlling wearable computer hardware, wearable computer peripherals, and wearable visual capture devices; providing temporary use of online non-downloadable software for computer peripherals for mobile devices for remotely accessing and transmitting data, audio and video, namely, for use with computer peripherals in the nature of mobile devices worn on the body for remotely accessing, transmitting, and displaying data and audio and video; providing temporary use of non-downloadable software for wearable mobile devices for wirelessly transmitting commands to mobile phones and accessing information from the cloud for use with wearable mobile devices

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**Proposed:**

**Tracked Text Description:** Computer services, namely, hosting and maintaining an on-line web site for others in the field of computer technology, cloud-computing, and software and hardware innovation; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking services in the fields of computer technology, cloud-computing, and software and hardware innovation; ~~computer services, namely, providing audio-visual, interactive, cloud-based online services in the nature of providing a searchable database of buyers and sellers of audio-visual and text-based online services for use in various industries~~; computer services, namely, providing virtual computer systems and virtual computer environments through cloud computing; computer services, namely, platform as a service (PAAS) featuring providing a cloud-based computer software platform for allowing users to perform commercial transactions; computer services, namely, software as a service (SAAS) services, namely hosting, managing, developing, maintaining, and enabling applications and software for cloud-based cross-platform communication, data management, and data access and display for use by others; ~~computer services, namely, software as a service (SAAS) services, namely, hosting, managing, developing, and maintaining applications and software for enabling cloud-based cross-platform communication, data management, and data access and display for use by others~~; consulting services in the field of design and development of engineering processes; ~~providing cloud-innovation consulting services, namely, advising others in the areas of product development~~; computer services, namely, computer programming services; ~~consulting in the field of engineering~~; computer software design, development, and implementation; computer software consulting; technological planning and consulting services in the field of computer software and information technology; consulting services in the field of computer software and information technology; providing planning and engineering services in the field of computer software, operating systems, and information technology; cloud-based services featuring software used to facilitate data transfer between computer hardware and peripherals, computer software, and mobile devices; computer services, namely, cloud hosting provider services; cloud computing featuring software for mobile devices for displaying audio and video data related to health and fitness for use in connection with computer peripherals worn on the body for displaying data and audio and video; ~~product research and development~~; providing temporary use of online non-downloadable software for setting up, configuring, and controlling wearable computer hardware, wearable computer peripherals, and wearable visual capture devices; ~~cloud-based services to facilitate data transfer between computer hardware and peripherals, computer software, and mobile devices~~; providing temporary use of online non-downloadable software for mobile devices for remotely accessing and transmitting data, audio and video for use with computer



peripherals in the nature of mobile devices worn on the body for remotely accessing, transmitting, and displaying data and audio and video; providing temporary use of non-downloadable software for wirelessly transmitting commands to mobile phones and accessing information from the cloud for use with wearable mobile devices; ~~cloud computing featuring software for use in connection with computer peripherals for mobile devices for displaying audio and video data related to health and fitness namely, for use in connection with computer peripherals worn on the body for displaying data and audio and video; providing temporary use of online non-downloadable software for computer peripherals for mobile devices for remotely accessing and transmitting data, audio and video, namely, for use with computer peripherals in the nature of mobile devices worn on the body for remotely accessing, transmitting, and displaying data and audio and video; providing temporary use of non-downloadable software for wearable mobile devices for wirelessly transmitting commands to mobile phones and accessing information from the cloud for use with wearable mobile devices~~

Class 042 for Computer services, namely, hosting and maintaining an on-line web site for others in the field of computer technology, cloud-computing, and software and hardware innovation; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking services in the fields of computer technology, cloud-computing, and software and hardware innovation; computer services, namely, providing virtual computer systems and virtual computer environments through cloud computing; computer services, namely, platform as a service (PAAS) featuring providing a cloud-based computer software platform for allowing users to perform commercial transactions; computer services, namely, software as a service (SAAS) services, namely hosting, managing, developing, maintaining, and enabling applications and software for cloud-based cross-platform communication, data management, and data access and display for use by others; consulting services in the field of design and development of engineering processes; computer services, namely, computer programming services; computer software design, development, and implementation; computer software consulting; technological planning and consulting services in the field of computer software and information technology; consulting services in the field of computer software and information technology; providing planning and engineering services in the field of computer software, operating systems, and information technology; cloud-based services featuring software used to facilitate data transfer between computer hardware and peripherals, computer software, and mobile devices; computer services, namely, cloud hosting provider services; cloud computing featuring software for mobile devices for displaying audio and video data related to health and fitness for use in connection with computer peripherals worn on the body for displaying data and audio and video; providing temporary use of online non-downloadable software for setting up, configuring, and controlling wearable computer hardware, wearable computer peripherals, and wearable visual capture devices; providing temporary use of online non-downloadable software for mobile devices for remotely accessing and transmitting data, audio and video for use with computer peripherals in the nature of mobile devices worn on the body for remotely accessing, transmitting, and displaying data and audio and video; providing temporary use of non-downloadable software for wirelessly transmitting commands to mobile phones and accessing information from the cloud for use with wearable mobile devices

**Filing Basis: Section 1(b), Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

## **SIGNATURE(S)**

### **Request for Reconsideration Signature**

Signature: /sm mulholland/ Date: 06/17/2015

Signatory's Name: Susan M. Mulholland

Signatory's Position: Attorney for Applicant/MA bar member

Signatory's Phone Number: 617.350.6800

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86054231

Internet Transmission Date: Wed Jun 17 14:05:57 EDT 2015

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